

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 3:17-cr-00209-JO-2
)	
v.)	
)	
RUBEN ROSAS-LOZANO,)	ORDER
)	
)	
Defendant.)	

JONES, J.

Defendant Ruben Rosas-Lozano moves to reduce his sentence under the First Step Act, 18 U.S.C. § 3582(c)(1)(A). Def.'s 2d Mot., ECF No. 432. This is Defendant's second motion to reduce his sentence. This court denied Defendant's first motion to reduce his sentence, ECF No. 427. *United States v. Rosas-Lozano*, 2021 WL 314507 (D. Or. July 23, 2021); ECF No. 430. Unfortunately, this court used an incorrect mailing address for Defendant, so the copy of the order denying the motion was returned to the court as undeliverable. ECF No. 431. Defendant's failure to receive the order denying his first motion to reduce his sentence probably explains why he filed a second motion that is virtually identical to the first motion.

Using a corrected mailing address, this court sent Defendant another copy of the order denying his motion. The government filed a response brief to Defendant's second motion.

Gov't Resp., ECF No. 434. The government has also submitted Defendant's medical records from the Bureau of Prisons. ECF No. 437. Since filing the second motion to reduce his sentence, Defendant has not filed briefs or any other submissions.


Defendant's second motion to reduce his sentence raises no new arguments or evidence. I adhere to my previous ruling that Defendant has failed to show any extraordinary and compelling reason justifying compassionate release. 2021 WL 314507, at *2. Although Defendant has not shown that he exhausted his administrative remedies before filing his second motion, I agree with the government that Defendant's second motion should be denied on the merits. Gov't Resp. 2, ECF No. 434.

CONCLUSION

Defendant's Second Motion to Modify Sentence Pursuant to 18 U.S.C. § 3582(c)(1), ECF No. 432, is DENIED.

IT IS SO ORDERED.

Dated the 12th of January, 2022.



Robert B. Jones
Senior United States District Judge